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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,915	12/19/2001	Nigel Victor Spurr	60,130-1295	5612

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EXAMINER

MELWANI, DINESH

ART UNIT PAPER NUMBER

3677

DATE MAILED: 07/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/024,915

Applicant(s)

SPURR, NIGEL VICTOR

Examiner

Dinesh N Melwani

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 14 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3 and 5-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 5-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 14 May 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) Z. 6) ☐ Other: _____

DETAILED ACTION

Acknowledgment is made of applicant's submission of:

Amendment A, which cancelled claims 2 and 4, and added claims 20-27, filed on 5/14/03.

The aforementioned item has been noted and officially inserted into the application

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 5/14/03 is being considered by the examiner.

Drawings

2. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 5/14/03 has been **approved**. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.
3. New corrected drawings are required in this application as indicated by Draftsperson in the Office Action dated 2/10/03 (Paper No. 5). Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

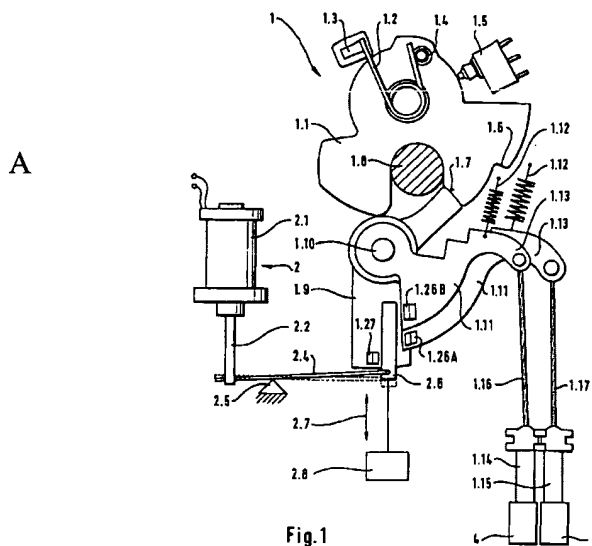
4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3, and 5-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Wegner (U.S. Patent No. 6,116,664). Wegner discloses a latch arrangement as claimed; wherein said arrangement includes a latch, a release mechanism, a manually actuable element (3/4), and a control means (10), the latch being operable to releasably retain a striker (1.8) in use, the release mechanism being capable of being moved by manually actuable element from a rest position through an unlocked position to a release position wherein it unlatches the latch, the release mechanism comprising a release link (1.11) having an abutment (A below) operable to move a latch release element (1.27) and with the release mechanism in the rest position, the abutment is misaligned with the release element, and with the release mechanism in the unlocked position the abutment is aligned with the release element, see col. 4, lines 40-62. Furthermore, the control means (10) having a locked condition at which actuation of the manually actuable element does not cause unlatching of the latch and an unlocked condition at which during an initial movement of the manually actuable element, the release mechanism achieves the unlocked position thereby aligning the abutment with the release element and during subsequent movement of the manually actuable element, the release mechanism achieves the release position, see col. 4, lines 42-62.

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In regards to claim 3, when Wegner's control means is in the locked position actuation of the manually actuatable element moves the abutment, but the abutment does not move the latch release element, see col. 4, lines 56-62. For the purposes of clarification, the abutment is brought into alignment with the release element but the lock/unlock lever (2.6) moves the release element. As it concerns claim 5, Wegner's release link (1.11) is operably movable by release lever, see Fig. 1. In regards to claim 6, Wegner discloses a part (2.6) of the release mechanism that is retained in a rest position by the control means to provide for a locked condition, see col. 4, lines 57-62. As it concerns claims 7 and 21, part (2.6) of the release mechanism is retained by magnetic attraction created by electromagnet (2.1). In regards to claim 8, as shown in Fig. 1, said part (2.6) is retained by a control pawl (2.4). In regards to claim 9, said part (2.6) is a lock/unlock lever which is retained in a first position when the control means is in its locked condition and is allowed to be moved to a second position when the control means is in its unlocked position, see ghost lines in Fig. 1. Regarding claim 10, Wegner's release mechanism is

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designed such that the lock/unlock lever is connected to the release link by a connector (1.16/1.17). As it concerns claim 11, the lock/unlock lever, connector and release link substantially move in unison during said initial movement of the manually actuable element, see col. 4, lines 46-56. Regarding claim 12, the lock/unlock lever (2.6), connector, and release link rotate about a pivot (1.10) during said initial movement. As it concerns claim 13, Wegner's pivot (1.10) mounts the lock/unlock lever on a chassis of the arrangement. . As it concerns claim 14, the lock/unlock lever remains stationary during subsequent movement of the manually actuable element (i.e., after stops (1.26A and 127) come in contact via lock/unlock lever (2.6)). Regarding claims 15-17, Wegner's release mechanism is designed to return to the rest position from the release position upon release of the manually actuable element via springs (1.12), see col. 3, lines 24-25. As it concerns claim 18, Wegner's latch is further movable between a latched and released position by a powered released actuator, see col. 3, lines 48-50. In regards to claim 19, Wegner's control means is movable between the locked and unlocked conditions by manual operation of a coded security device (10.13). As it concerns claim 20, as shown in Figure 1, the abutment (A) moves generally arcuately around the pivot (1.10) and during subsequent movement, the abutment moves generally linearly so that the release mechanism achieves the release position. In regards to claim 22, Wegner discloses a latch for a vehicle door comprising a manually actuable element (3/4); a release mechanism movable by the manually actuable element from rest position through an unlocked position to a release position where it unlatches the latch, said release mechanism comprises a release link (1.11) having an abutment (A) operable to move between aligned and mis-aligned positions with a latch release element; and a control means (10) having a locked condition at which actuation of

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said manually actuatable element does not cause unlatching of said latch and an unlocked condition where initial movement of said manually actuatable element causes said abutment of said release link to align with the release element such that during subsequent movement of said manually actuatable element, said release mechanism, moved to said release position. In regards to claim 23, see lock arm (1.9) which pivots about the pivot (1.10). As it concerns claim 24, Wegner's release link (1.11) is pivotally attached to said lock arm (1.9) and movable in a first direction into alignment with said release element (1.27) with said lock arm pivotal about said first pivot, and movable in a second direction misaligned with said release element when said lock arm is fixed, see Fig. 1. As it concerns claims 25 and 26, see magnet (2.1) and pawl (generally 1.7). In regards to claim 27, see biasing member (1.12) biasing said release mechanism towards said rest position.

Response to Arguments

6. Applicant's arguments filed 5/14/03 have been fully considered but they are not persuasive.
7. In regards to claim 1, the Applicant contends that the Wegner reference does not include a release link having an abutment movable between aligned and mis-aligned positions. The Examiner respectfully disagrees. As shown in Figure 1 and the Figure above, Wegner includes a release link (1.11) having an abutment (A); wherein said abutment moves from a mis-aligned position (shown) to an aligned position. For the purpose of clarification, the Examiner has adopted the *Merriam-Webster's Collegiate Dictionary Tenth Edition's* definition of aligned: "to be in or come into precise adjustment or correct relative position". Therefore, the Examiner

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asserts that as the release link (and the abutment (A)) moves into contact with member (2.6), the abutment moves from a mis-aligned position to an aligned position within the meaning of the Applicant's claims.

8. The Applicant has included new claims 20-27; wherein said claims have been rejected in view of Wegner as set forth above.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dinesh N Melwani whose telephone number is 703-305-4546. The examiner can normally be reached on M-F, 8:30-6 except every other Friday.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-4115.

DNM

July 14, 2003


J. J. SWANN
SUPERVISORY PATENT EXAMINER
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